IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 7163 of 2007(C)

PETITIONERS:
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1. **OMANA E.B.,**
   SUB REGISTRAR, KARUKACHAL (UNDER ORDERS OF REVERSION AS JUNIOR SUPERINTENDENT, OFFICE OF THE SUB REGISTRAR, MEENACHIL).

2. **MOHANADAS M.N.,**
   HEAD CLERK, OFFICE OF THE SUB REGISTRAR, VAZHOOR.

BY ADV. SMT.P.V.ASHA.

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY SECRETARY TO GOVERNMENT,
   DEPARTMENT OF TAXES, GOVT.SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **INSPECTOR GENERAL OF REGISTRATION,**
   THIRUVANANTHAPURAM.

3. **STATE OF KERALA,**
   REPRESENTED BY SECRETARY TO GOVERNMENT,
   DEPARTMENT OF VIGILANCE, GOVT.SECRETARIAT,
   THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. P. NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.7163/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE G.O. (RT). NO. 297/2001/VIG. DTD. 30/10/01.

EXT.P.2: COPY OF THE G.O. (RT). NO. 238/2002/VIG. DTD. 24/10/02.

EXT.P.3: COPY OF THE MEMO OF CHARGES NO. E12.29245/02 DTD. 01/02/2003 ISSUED TO P.2. BY R.2.

EXT.P.4: COPY OF THE EXPLANATION SUBMITTED BY P.2.

EXT.P.5: COPY OF THE ORDER NO. E12-21-22 29245/02 DTD. 18/09/03 OF R.2.

EXT.P.6: COPY OF THE ORDER NO. E10-18318/2006 DTD. 27/11/06 ALONG WITH THE RELEVANT PORTION OF THE SENIORITY LIST OF U.D. CLERKS.

EXT.P.7: COPY OF THE ORDER NO. E1-3876/2007 (5) DTD. 26/02/07.

EXT.P.8: COPY OF THE G.O. (RT). NO. 594/05/T. D. DTD. 03/10/06.

EXT.P.9: COPY OF THE SELECT LIST FOR PROMOTION AS SUB REGISTRARS PUBLISHED IN THE GAZETTE DTD. 14/02/07.

EXT.P.10: COPY OF THE ORDER NO. E1-1301/03 DTD. 16/12/2003.

EXT.P.11: COPY OF THE ORDER NO. E1-3876/2007 (4) DTD. 26/02/2007.

EXT.P.12: COPY OF THE REPRESENTATION DTD. 28/02/2007 OF P.2.

EXT.P.13: COPY OF THE MEMO OF CHARGES ISSUED TO P.1. DT. 09/01/07.

EXT.P.13.A: COPY OF THE MEMO OF CHARGES ISSUED TO P.2. DT. 09/01/07.

EXT.P.14: COPY OF THE REPRESENTATION DTD. 23/0/07.

EXT.P.15: COPY OF THE E1-10090/07 DTD. 17/05/07.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 7163 OF 2007-C

JUDGMENT

The petitioners are employees of the Registration Department. The disciplinary proceedings initiated against them were finalised by Ext.P5 and similar orders, by giving a warning to them that they should be more careful in future. Later, the Government re-opened the said proceedings by Ext.P8 order without notice or hearing to them. Based on Ext.P8, the Inspector General of Registration, the 2nd respondent herein reverted the 1st petitioner to the post of Junior Superintendent, by Ext.P7 order. So, this writ petition is filed challenging Ext.P8 and also the consequential order Ext.P7.

2. Because of the pendency of the proceedings, revived as per Ext.P8, the 2nd petitioner has been denied promotion. His juniors have been promoted as per Exts.P11 and P15 orders. So, the 2nd petitioner challenges those orders also, to the extent they overlook his claim for promotion. The main ground of attack against Ext.P8 is that the said order has been passed without notice or hearing to the petitioners.

3. I heard the learned Government Pleader for the respondents also. It is not in dispute that Ext.P8 has been passed without notice to the

petitioners. Accordingly, Ext.P8 is quashed. Ext.P7 being a dependent order, is also quashed. The Government are given freedom to pass fresh orders against the petitioners, after affording an opportunity of being heard to them. If no orders are passed within three months from the date of production of a copy of this judgment, the 2nd petitioner's claim for promotion with effect from the date his juniors were promoted, shall be considered by the 2nd respondent within one month thereafter.

The Writ Petition is disposed of as above.

1st June, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/